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April 19, 2016

Hon. James C. Francis, IV
United States Magistrate Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, New York, New York 10017-1312

By ECF Filing

Re: Golden Horn Shipping Co., Ltd.
v. Volans Shipping Co., Ltd. and Norvik Banka
S.D.N.Y. Docket No. 14 cv 2168 (JPO)(JCF)

Letter Motion for Extension of Time to Complete Discovery

Dear Your Honor:

The undersigned represents the Plaintiff Golden Horn Shipping Co., Ltd. ("Golden Horn") in this proceeding. I am writing jointly on behalf of the Plaintiff and Defendant Norvik Banka ("Norvik Banka") to request that the time to complete discovery be extended.

By way of background, Golden Horn is seeking to collect damages from Norvik Banka based on the claim that Norvik Banka is the alter ego of the co-defendant Volans Shipping Co. Ltd. ("Volans"). Pursuant to an arbitration award issued in London on December 23, 2015, Volans, who was the registered owner of a vessel known as the M.V. APUS, was found to have repudiated a bareboat charter party in respect of Golden Horn's hire of a vessel known as the M.V. APUS. In accordance with the arbitrator's award, Volans was directed to pay the sums of \$803,424.58 (damages) and \$327,318.68 (costs) to Golden Horn, but Volans has not paid any sums due under the arbitration award. For the reasons set forth in the Complaint filed against Norvik Banka, Golden Horn maintains that Norvik Banka is the alter ego of Volans in respect of the M.V. APUS and, therefore, Norvik Banka is responsible for the damages that Volans has not paid.

The Law Office of Owen F. Duffy, III

Addressing the items set forth in ¶ 1 E of Your Honor's Individual Practices, I advise

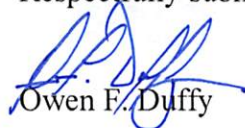
1. The original date for completion of discovery in this matter was July 31, 2015;
2. There have been two previous requests (*see*, D.E. # 45 and # 47) for an extension of the date to complete discovery, particularly because discovery was not warranted until it was determined that Volans had repudiated the charter party;
3. All previous requests to extend the date to complete discovery were granted (*see*, D.E. # 46 and #48); and,
4. All parties to this action consent to the extension of the date to complete discovery.

Following the issuance of the Arbitrator's Award and a reasonable time for Volans to respond to the Arbitration Award, discovery was timely initiated by way of service of a Request for the Production of Documents containing 109 separate requests on February 26, 2016 and service of Notices of Deposition on March 8, 2016. Defendant Norvik Banka has encountered some delays due to representatives of Norvik Banka being away during the period when responses were due but expects responses to be served this week (including production of a portion of the requested documents). Defendant Norvik Banka, however, has raised issues with a number of the Plaintiff's requests owing to the fact that Norvik Banka is a foreign banking institution and subject to banking secrecy regulations, which may impact its responding to some of the discovery requests. Counsel for both parties are cooperating and attempting to work through these issues in an attempt to avoid further motion practice over discovery issues, including exploring stipulating to certain of the factual issues so as to narrow issues for trial, but some additional time will be needed. The parties also have agreed to a protective order with respect to confidential information, an executed copy of which I have enclosed for Your Honor's endorsement.

Under the circumstances, the parties request that the date for the completion of discovery in this matter be extended to September 16, 2016.

Counsel for both parties thank the Court for its attention to this matter.

Respectfully submitted,


Owen F. Duffy

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